

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

THOMAS D. STEWART,

Defendant.

CASE NO. CR15-5229BHS

ORDER

This matter comes before the Court on the parties' Unopposed Motion to Continue Trial and Pretrial Motions Date. The Court, having considered the unopposed motion and the Defendant's speedy trial waiver, makes the following findings of fact and conclusions of law:

1. The defense requests a continuance of the trial date to allow additional time to review discovery materials, investigate factual allegations, locate and interview witnesses, conduct legal research and prepare and file pretrial motions.

2. The defense needs additional time to explore all relevant issues and defenses applicable to the case, which would make it unreasonable to expect adequate preparation for pretrial proceedings or for trial itself within the time limits established by the Speedy Trial Act and currently set for this case. 18 U.S.C. § 3161(h)(7)(B)(ii).

1 3. Taking into account the exercise of due diligence, a continuance is necessary to allow  
2 the defendant the reasonable time for effective preparation his defense, to explore resolution of  
3 this case before trial and to ensure continuity of defense counsel. 18 U.S.C. § 3161(h)(7)(B)(iv).

4 4. Proceeding to trial absent adequate time for the defense to prepare would result in a  
5 miscarriage of justice. 18 U.S.C. §3161(h)(7)(B)(i).

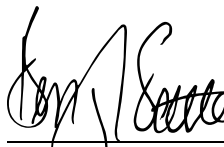
6 5. The ends of justice served by granting this continuance outweigh the best interests of  
7 the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A) and (B).

8 6. Defendant waived speedy trial through December 30, 2015.

9 NOW, THEREFORE, IT IS HEREBY ORDERED

10 That the trial date is continued from August 18, 2015 to October 6, 2015 at 9:00 a.m.;  
11 Pretrial Conference is set for September 28, 2015 at 2:30 p.m. Pretrial motions are due  
12 September 2, 2015. The resulting period of delay from July 31, 2015 to October 6, 2015 is  
hereby excluded for speedy trial purposes under 18 U.S.C. § 3161(h)(7)(A) and (B)

13 Dated this 12<sup>th</sup> day of August, 2015.

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16 BENJAMIN H. SETTLE  
17 United States District Judge  
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